IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 31724 of 2007(B)

PETITIONER:

VIJAYAN, AGED 45 YEARS, S/O. KOPPAN,
MULANGIL VEEDU, KANAYANNUR TALUK,
THRIKKAKARA VILLAGE, ERNAKULAM, PIN-683 104.

BY ADV. SRI.R.REJI
SRI.B.BIPIN

RESPONDENTS:

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1. KALAMASSERY MUNICIPALITY, REPRESENTED BY
ITS SECRETARY.

2. THE SECRETARY,
KALAMASSERY MUNICIPALITY.

3. VISWANATHAN,
MANGALATHU VEEDU, PUTHALATHU KADAVU ROAD,
KANAYANNUR TALUK, THRIKKAKARA VILLAGE,
ERNAKULAM, PIN-683 104.

R1 & R2 BY ADV. ARI.M.K.ABOOBACKER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.31724 OF 2007

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DATED THIS THE 26TH OCTOBER, 2007

J U D G M E N T

The grievance of the petitioner is that the 3rd respondent is constructing certain buildings in gross violation of the Kerala Municipality Building Rules. In fact, the petitioner has caused Ext.P3 lawyer notice to the Secretary of the Municipality. One of the prayers in this Writ Petition is that Ext.P3 be directed to be disposed of.

2. Mr.M.K.Aboobacker, Standing Counsel takes notice on behalf of the Muncipality. He submits that since Ext.P3 is a lawyer notice, it may not be proper that a direction is issued to dispose of Ext.P3.

3. Considering the above stand, I dispose of the Writ Petition issuing the following directions:-

The petitioner is permitted to submit a proper representation before the 2nd respondent-Secretary, voicing the grievances which have been voiced through Ext.P3. If such a representation is submitted by the petitioner within seven days from today, the 2nd respondent will conduct necessary inspections, hear the petitioner as well as the 3rd respondent and then take a decision on that representation. Decision as directed above will be taken at any rate within one month of receiving the representation. The 3rd respondent

is informed in the meanwhile that the constructions which are being taken up by him will be at his risk and subject to the decision to be taken by the Secretary on the prospective representation.

The petitioner will serve a copy of this judgment on the 3rd respondent by registered post acknowledgment due, as soon as he receives the same.

(PIUS C.KURIAKOSE, JUDGE)

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